

REMARKS

Claims 1-31 are now in this application. Claims 1, 11, and 22 are amended herein.

Claims 1-31 were rejected under the judicially created doctrine of obviousness-type double patenting.

The drawings were objected to under 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims.

Claims 10 and 26 were rejected under 35 U.S.C. 112.

Claims 1, 2, 10, 11, 15, 22, 23, 25, and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hotomi in view of Yoshihiro and Inman et al. Claims 3-5, 13, 14, 17, 18, 24, 27, and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hotomi in view of Yoshihiro, Inman et al., and Smith (US 5,142,198). Claims 6, 12, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hotomi in view of Yoshihiro, Inman et al., and Reuschel (US 4,023,520). Claims 7-9, 19-21, and 29-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hotomi in view of Yoshihiro, Inman et al., and Degner (US 5,074,456).

In view of the following rationales, reconsideration is respectfully requested in this matter.

Double Patenting

In response to the nonstatutory double patenting rejection, a terminal disclaimer signed by the undersigned attorney of record is filed herewith to overcome this grounds of rejection.

In the Drawings

Applicants respectfully request the objection to the drawings be withdrawn. In response to the Examiner's objection, Claims 1, 11, and 22 have been modified to remove the terminology objection to by the Examiner. Namely the terms "transitional" and

"transition" have been removed. Further, Claims 1 and 11 have been amended such that the inward extending portion is no longer a sub-limitation of the side wall.

5 Rejections under 35 U.S.C. 112

Claims 10 and 26 have been rejected under 35 U.S.C. 112. Applicants respectfully traverse the rejection on the grounds that the Examiner failed to consider all the limitations in the claims. It is pointed out that the limitations of claims 10 and 26 include
10 a "generally" right circular cylindrical configuration. The term "generally" is a term of approximation and need not be construed with mathematical precision. See, eg., *Anchor Wall Sys. v. Rockwood Retaining Walls, Inc.*, 340 F.3d 1298, 1311 (Fed. Cir. 2003). The term "generally" thus envisions some amount of deviation from
15 exactly right circular cylindrical. See, *Anchor Wall Sys. v. Rockwood Retaining Walls, Inc.*, 340 F.3d 1298, 1311 (Fed. Cir. 2003). It is the claim limitation, as a whole, that must be considered in claim construction. *Apex Inc. v. Raritan Computer, Inc.*, 325 F.3d 1364, 1374 (Fed. Cir. 2003).

20 Therefore, Claims 10 and 26 are patentable under 35 U.S.C. 112.

Claim Rejections under 35 U.S.C. 103

The claims were rejected under 35 U.S.C. 103(a) based on Hotomi in view of Yoshihiro and other references.

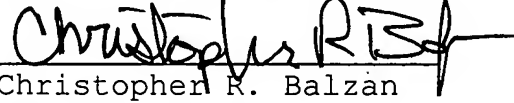
25 No *prima facie* obviousness has been established with respect to the claims under 35 U.S.C. 103(a) because all the claim limitations are not taught or suggested. MPEP 2143.03. The Examiner admits that the Hotomi does not discuss the flattened conical configuration. Furthermore, the Examiner has failed to
30 show that the cited art discloses the claim limitation of "a flattened conical configuration extending **to** said gas inlet". emphasis added. On the contrary, the Examiner states that in FIG.

1 of Yoshihiro, a chamber ceiling is shown that has a flat portion extending to the gas inlet. Therefore, the claims are patentable over Hotomi in view of Yoshihiro and Inman et al. (and Smith or Reuschel or Degner).

5 Therefore, Claims 1-31 are in condition for allowance. No new matter has been added. A favorable response is respectfully requested in the matter.

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Respectfully Submitted,



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